IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 882(S/S)2007

Chandra Mohan Bhatt S/o late Sri Chet Ram Bhatt,
Assistant Teacher, Junior High School, Udiyan Gaon,
Bhardar, District Rudraprayag. ---- Petitioner.

Vs.

1. State of Uttarakhand, through its Secretary,
   School Education, Dehradun,
2. Director, School Education, State of Uttarakhand,
   Dehradun,
3. District Education Officer, Rudraprayag,
4. Addl. District Education Officer (Basic),
   Rudraprayag.

----Respondents.

Sri L. K. Tewari, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri L.K. Tewari, learned Counsel for the petitioner and Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

Vide order dated 25.09.2006, the petitioner who is working as Assistant Teacher, in Primary School, Lariyasu Block Jakholi has been transferred to Kanya High Secondary School, Saklana (Jakholi), district Rudraprayag. The said order was lateron modified by the Addl. District Education Officer (Basic) vide order dated 4th October 2006 by which the petitioner who was working at Senior Basic School, Saklana was transferred to Senior Basic School, Udiyan Gaon. In pursuance of the aforesaid order the petitioner joined at new place of his posting, however within a period of 7 months, the petitioner has again been transferred on the ground of inconsistence subject. In para-6 of the writ petition, the petitioner has alleged that his

posting at Udiyan Gaon is against the vacant post of Science Teacher and the petitioner is a lone Science Teacher working in the Institution, therefore the petitioner cannot be treated posted against inconsistent subject.

In the regard, the petitioner, raising all his grievances has already moved representation on 23.06.2007 (annexure no.3 to the writ petition) before respondent no. 3 i.e. District Education Officer, Rudraprayag, which is still pending before him.

Thus, without entering in to the merits of the case, I direct the respondent no. 3 to take decision on the representation of the petitioner dated 23.06.2007 within a period of two weeks from the date of production of a certified copy of this order before respondent no. 3 within one week from today.

Till the representation is decided by the respondent no. 3 or till 10th August 2007, whichever is earlier, the petitioner shall not be relieved from his present place of posting.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 13, 2007:
NCM: